

**PHARMACY EXAMINING BOARD
MEETING MINUTES
FEBRUARY 10, 2011**

- PRESENT:** Jason Walker-Crawford, R.Ph.; Gregory C. Weber, R.Ph.; Jeanne Severson, R.Ph. and Amy Mattila, R.Ph.
- EXCUSED:** Timothy Boehmer, R.Ph.; Pamela Phillips
- STAFF:** Kelli Ka'alele, Bureau Director; Michele Miller Hayes, Board Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff
- GUESTS:** Gina Besteman, Women's International Pharmacy; Janel Garth and Joan Meyer, Embrace Pharmacy; Tom Engels, Pharmacy Society of Wisconsin; Jamie Statz-Paynter, Dean Pharmacy; Donna Naundorf, Cardinal Health; Paul Baum, Group Health Cooperative; Jeffrey Clinton, Omnicare; Katie Salzman, Korby Lathrop, Zach Brazgel, Nathan Sippel, Jacob Palmer, and Giselle D'Epiro, Pharmacy Students; Teresa Geier, Walmart; Johnathann Strom, Bellin Health Pharmacy; and Matt Mabie, Hometown Pharmacy

CALL TO ORDER

Jason Walker-Crawford, Chair, called the meeting to order at 9:01 a.m. A quorum of 4 members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Red Folder items
 - Variance Report – QuadMed Pharmacies
 - Variance Report – Froedtert Hospital
 - Variance Report – Winnebago Mental Health Institute
 - Practice Question
 - Case Closing –
 - Roeschen's Omnicare Pharmacy should be listed under Variance Request not Variance Report

MOTION: Jeanne Severson moved, seconded Amy Mattila, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 15, 2010

MOTION: Amy Mattila moved, seconded by Jeanne Severson, to approve December 15, 2010 minutes as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Jason Walker-Crawford noted that the item titled Secretary Matters will be a standing agenda items and will be fluid based on the availability and needs of the Secretary. Kelli Ka'alele introduced herself and provided a brief biography. She asked that the members complete the emergency contact list. She conducted the annual policy review. There was discussion

surrounding the agenda and what items should and should not be included. Mr. Walker-Crawford asked that he have final approval for all items that are included on the agenda or in the red folder. Mr. Walker-Crawford noted that, with respect to variance reports, it would be appropriate to inform the reporting entity that they are in danger of losing their variance if the reports are not received in a timely manner. He will include reports on the agenda but will not be including any late variance requests for discussion.

Ms. Ka'alele noted that the policy for approval of travel has been revised. She told the Board that in most cases, travel funded by a third party has been approved. Travel that would be funded by the state must be approved by the Department of Administration in addition to receiving Department approval.

Credentialing Liaison – Tim Boehmer - Jason Walker-Crawford and Jeanne Severson (alternates)
Legislative Liaison – Jason Walker-Crawford - Jeanne Severson and Greg Weber (alternates)
Division of Enforcement Inspection Liaison – Amy Mattila
Division of Enforcement Monitoring Liaison – Jeanne Severson and Amy Mattila (alternate)
Impaired Professionals Procedure (IPP) Liaison – Jeanne Severson
Regulatory Digest Advisor – Greg Weber
Practice Question Liaison – Jason Walker-Crawford and Greg Weber
Screening Panel – Amy Mattila, Jeanne Severson, and Pamela Phillips
PDMP – Jeanne Severson, Amy Mattila and Tim Boehmer
NABP examination question writing workshop volunteer – Amy Mattila
NABP examination question review volunteer – Amy Mattila
Controlled Substances Board Representative Member – Tim Boehmer
State Council on Alcohol and Other Drug Abuse Representative Member – Pamela Phillips
Pharmacy Advisory Council – Greg Weber and Jason Walker-Crawford
Continuing Education Liaison – Amy Mattila

Secretary Ross introduced himself to the Board and provided a brief biography.

PRESENTATION OF PROPOSED STIPULATIONS

Attorney Konkol presented the Proposed Stipulation, Final Decision and Order in the matter of Aaron R. Franck, R.Ph. – 08 PHM 063. Deliberation will be in closed session.

Attorney Konkol presented the Proposed Stipulation, Final Decision and Order in the matter of Paul Schlondrop, R.Ph. – 10 PHM 027. Deliberation will be in closed session.

SPEAKING ENGAGEMENTS AND TRAVEL

The Board discussed the NABP Annual Meeting.

MOTION: Jeanne Severson moved, seconded by Greg Weber, to designate Amy Mattila as the Board's delegate to the NABP Annual Meeting. Motion carried unanimously.

MOTION: Greg Weber moved, seconded by Jeanne Severson, to designate Jason Walker-Crawford represent the Pharmacy Examining Board and prepare a presentation at the PSW Legislative Day on March 9, 2011. Motion carried unanimously.

REVIEW AND DISCUSS SEPARATE LICENSING FOR OXYGEN

Mr. Walker-Crawford noted that something needs to be done with regard to licensing oxygen providers. Michele Miller Hayes told the Board that any license for oxygen providers would require a legislative change. The Board discussed the model practice act and how the oxygen piece will fit into that process. It was suggested that a new license be developed to incorporate oxygen distributors and dispensers. Jason Walker-Crawford volunteered to work with Greg Weber to review this topic and report back to the Board at a future meeting.

PDMP UPDATE

Michele Miller Hayes reported that the workgroup has met three times. They have made decisions related to the recommendations that they would be presenting to the Board. Amy Mattila will be included in future workgroup meetings. The Department will be scheduling a meeting of the full Board to discuss the PDMP recommendations from the work group as it relates to the grant application.

Kelli Ka'alele updated the Board with respect to the Grant Writing Process. She indicated that she has talked with Susan Vetter, UW-School of Pharmacy. Ms. Vetter indicated that there are students at the School of Pharmacy that would most likely be able to assist in the grant writing process.

Greg Weber asked at what point the other stakeholders would be included in the process and it was noted that the workgroup had discussed this topic and decided to include them after the funding has been secured.

VARIANCE REQUESTS AND REPORTS

VARIANCE REQUEST BAY AREA MEDICAL CENTER

Board members noted concern about counseling for prescription, that there is no procedure for handling prescriptions that were not picked up and that there is no reporting noted. Jeanne Severson asked that a copy of the variance request that has been approved as a template.

MOTION: Jeanne Severson moved, seconded by Greg Weber, to deny the variance request received from Bay Area Medical Center. Motion carried unanimously.

VARIANCE REQUEST WHEATON FRANCISCAN HEALTHCARE BROOKFIELD

It was noted that this request is for a variance related to the centrally monitored alarm.

MOTION: Greg Weber moved, seconded by Amy Mattila, to grant the variance request to Pharm 6.08 for Wheaton Franciscan Healthcare – Elmbrook Memorial. Motion carried unanimously.

**VARIANCE REQUEST
WHEATON FRANCISCAN HEALTHCARE
ST. FRANCES MILWAUKEE**

It was noted that this request is for a variance related to the centrally monitored alarm.

MOTION: Greg Weber moved, seconded by Jeanne Severson, to grant the variance request to Pharm 6.08 for Wheaton Franciscan Healthcare – St. Frances Milwaukee. Motion carried unanimously.

**VARIANCE REQUEST
WHEATON FRANCISCAN HEALTHCARE
WISCONSIN HEART HOSPITAL**

It was noted that this request is for a variance related to the centrally monitored alarm.

MOTION: Greg Weber moved, seconded by Jeanne Severson, to grant the variance request to Pharm 6.08 for Wheaton Franciscan Healthcare – Wisconsin Heart Hospital – Wauwatosa. Motion carried unanimously.

**VARIANCE REQUEST
ROESCHEN'S OMNICARE PHARMACY
TECH-CHECK-TECH**

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to indefinitely extend the variance for Tech-Check-tech to Roeschen's Omnicare Pharmacy with the same reporting and accuracy requirements. Motion carried unanimously.

**VARIANCE REQUEST
EMBRACE PHARMACY**

Janel Garth, Embrace Pharmacy, provided the Board with an updated request addressing the issues with the initial request submitted and withdrawn at the last Pharmacy Examining Board meeting. The Board expressed concern surrounding the security of the drugs once they have been delivered to the provider. There was also concern that the provider might be able to use one prescription for a different patient. Ms. Garth indicated that the medication is so specialized that this would not be the case.

MOTION: Jeanne Severson moved, seconded by Greg Weber, to grant the variance request to Embrace Pharmacy with standard reporting requirements in January and July. Motion carried unanimously.

**VARIANCE REQUEST
BELLIN HEALTH PHARMACY
GREEN BAY**

John Strom, Bellin Health Pharmacy, provided the Board with an overview of their request. John Strom withdrew the variance request and will resubmit at a future meeting.

VARIANCE REPORTS

Reports were noted for the following:

1. Roundy's
2. Roeschen's Omnicare Pharmacy
3. Aurora
4. Morton Pharmacy, Inc.
5. Froedtert
6. Quad Med
7. Winnebago Mental Health Institute

PRACTICE/FREQUENTLY ASKED QUESTIONS

Pharmacist Absence

The answer to this question is clearly defined in the code.

Controlled Substances Deliveries

Jason Walker-Crawford indicated that there are holes in Wis. Stats. 450.07(2). As of this point in time, the analysis submitted by the attorney and included in the packet was accurate.

Interns Transferring Prescriptions

Michele Miller Hayes indicated that only licensed pharmacists are able to transfer prescriptions. Interns and students are not able to transfer prescriptions. It was suggested that the Board work to promulgate a rule change to address allowing interns to transfer prescriptions.

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to direct the Department to draft a scope statement related to the transfer of prescriptions. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to pursue an emergency rule related to the transfer of prescriptions. Motion carried unanimously.

On-Line Claims

Jason Walker-Crawford indicated that he does not feel that the Board can address this request.

REVIEW OF CURRENT AND FUTURE RULEMAKING AND LEGISLATIVE INITIATIVES – DISCUSS AND SET PRIORITIES

Review and Discuss Current and Future Rulemaking and Legislative Initiatives

Mr. Weber indicated that there were no changes to the list. He will be adding Wis. Stat. 450.02 to potential rule making and moving PHAR 7.05(5) to the current rule making section for the April

meeting. Mr. Walker-Crawford noted that Current Rule making Item number 4 must be kept on track. He also noted that Phar 7.05(5) should become Item 2 under current rule making.

DRUG ENFORCEMENT ADMINISTRATION MONTHLY DRUG THEFT AND LOSS REPORT

December report was noted.

DISCUSS FEDERAL DRUG DISPOSAL ACT

Michele Miller Hayes noted that she has not seen a draft of the bill to date.

LIAISON REPORTS

No reports at this time.

PUBLIC COMMENTS

Tom Engels, Pharmacy Society of Wisconsin (PSW), noted that the agenda packet was late this month. He noted that they are increasingly concerned about the PDMP workgroup that has been formed. He would like the PSW to be included in the discussions.

CLOSED SESSION

MOTION: Greg Weber moved, seconded by Jeanne Severson, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Jason Walker-Crawford-yes; Gregory C. Weber-yes; Jeanne Severson-yes; Amy Mattila-yes. Motion carried unanimously.

Open session recessed at 12:13 p.m.

RECONVENE TO OPEN SESSION

MOTION: Amy Mattila moved, seconded by Jeanne Severson, to reconvene into open session at 1:24 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**AARON R. FRANCK, R.PH.
08 PHM 063**

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Aaron R. Franck, R.Ph. 08 PHM 063. Motion carried unanimously.

**PAUL SCHLONDROP, R.PH.
10 PHM 027**

This item is tabled until the next meeting.

MONITORING

**ROBERT J. KUNDE
REQUESTING FULL LICENSURE**

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to grant the request for full licensure from Robert J. Kunde. Motion carried unanimously.

APPLICATION REVIEW

NESHER PHARMACEUTICALS, INC.

MOTION: Amy Mattila moved, seconded by Jeanne Severson, to deny licensure to Neshier Pharmaceuticals, Inc. (2 locations in Missouri) and There-RX Corporation. Motion Carried unanimously.

CASE CLOSINGS

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to close case 08 PHM 063 for No Violation. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to close case 09 PHM 039 for Insufficient Evidence as to both respondents. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to close case 11 PHM 001 for prosecutorial discretion (P7). Motion carried unanimously.

Case closing for case 10 PHM 038 is tabled until the next meeting.

ADJOURNMENT

MOTION: Amy Mattila moved, seconded by Jeanne Severson, to adjourn the meeting at 1:29 p.m. Motion carried unanimously.